

THE TOWN OF LOVETTSVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA

AN ORDINANCE

Providing for the operation of water and sewer systems in the Town of Lovettsville,  
Virginia

1.00 DEFINITIONS

1.01 GENERAL DEFINITIONS

Unless this ordinance specifically indicates otherwise, the meaning of terms used herein shall be as follows:

“Auxiliary Water System” shall mean any water system on or available to the premises other than the Town’s water system. These auxiliary waters may include water from another waterworks; or water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute a water source or system over which the Town does not have control.

“Availability Fee” shall mean the charge made for purchase of capacity from the Town’s water or sanitary sewer system.

“Backflow” shall mean the flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases, non-potable waters into any part of a water system.

“Backflow Prevention Device” shall mean any approved device, method, or type of construction intended to prevent backflow into a water system.

“Connection Fee” shall mean the charge made for the connection to the Town’s water or sanitary sewer system.

“Council” shall mean the Town Council of Lovettsville, Virginia.

“Contamination” shall mean any introduction into pure water of micro-organisms, wastes, wastewater, undesirable chemicals, or gases.

“Cross-Connection” shall mean any connection or structural arrangement, direct or indirect, to the Town’s water system whereby backflow can occur.

“Customer” shall mean the owner or person in control of any premises supplied by or in any manner connected to the Town’s water system.

“Customer’s Water System” shall mean any water system located on the customer’s premises, supplied by or in any manner connected to the Town’s water system.

“Developer or Subdivider” – in addition to 1.09 and 1.10, the person or persons subdividing or submitting a subdivision plat to the Town Planning Commission for approval, or developing or planning to develop any parcel, tract or subdivision of land in the area covered by the Subdivision Ordinance of the Town of Lovettsville, Virginia.

“Develop” shall mean the construction of any improvements, whether residential, commercial, industrial, or recreational in nature, upon any parcel or tract of land in the service area of the Town.

“Dwelling Unit” shall mean separately maintained quarters with facilities for sleeping and cooking, and shall include conversion apartments and living quarters within a single family dwelling which meet the foregoing criteria, and for whichever rental fees are charged.

“Engineers” shall mean the consulting engineers retained by the Town of Lovettsville, Virginia.

“Existing Connection” shall mean any connection to the Town system that was made prior to the approval of the Meter Sizing Policy and associated Ordinance amendments.

“Facilities of the Town” shall mean any and all component and pertinent parts of the entire systems of the water and sanitary utilities under the jurisdiction of the Town, such as water pipelines, and their appurtenances, sewage pumping stations and treatment plants, including these items and others now constructed, installed, improved, operated or maintained by the Town, or any which may be approved and accepted in the future as additions or extensions of the systems.

“Group Housing” shall mean those facilities that may house groups of people, usually not permanently, and will include: hotels, bed and breakfasts, inns, dormitories, hospitals, assisted care living facilities, congregate care facilities and nursing homes.

“Health Hazard” shall mean any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

“Industrial Wastes” shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

“Master Meter” shall mean one larger meter used to supply water to multiple non-residential or eligible residential units within one building with one owner on one property. For any building using a Master Meter for multiple units with multiple occupants, all units must reside within one building on one parcel of land and be owned by one entity. The Town will bill for usage through the Master Meter to the owner of the property or a designated responsible billing party for the owner. Sub-metering by the owner is permitted, however, all elements of sub-meter installation, maintenance, reading, billing, etc will be the responsibility of the owner or designated responsible party. A building with multiple units connected to one Master Meter cannot be

subdivided, individual units sold or units made into condos until a meter is installed for each separate unit. If the Multi-Family unit uses more than the Maximum Allowable Usage, the owner or representative will be required to upgrade to the next meter size.

“Maximum Allowable Usage” shall mean the maximum average daily quantity of water permitted to be used for a particular water meter size for no more than one billing cycle or as a whole year average for a calendar year.

“Meter Fee” shall mean a Meter Fee will be charged for purchase and installation of a meter for each new connection or for an Undersized Meter Change Out.

“Meter Upgrade” shall mean increasing the meter size for a connection. This may be due to water usage exceeding the Maximum Allowable Usage or due to other defined triggers. The availability fee for an upgrade will be the current availability cost of the new increased meter size minus the current availability cost of the existing meter size. A Meter Fee for the new increased meter size will also be charged. Any changes needed to the meter crock, meter setter or lateral size to accommodate the new meter size will be the responsibility of the owner or responsible party for the property.

“Multi-Family” shall mean more than one residential unit within one building owned by one entity.

“Non-conforming Connection” shall mean a Non-residential or Master Metered Multi-Family Connection permitted and installed prior to Town Council approval of the current Meter Sizing Policy that does not meet the requirements of the current Meter Sizing Policy after completing the Meter Sizing Form.

“Non-residential” shall mean a building used as a commercial, industrial, or institutional use and may include multiple tenants.

“Owner”: As applied to a building or land, the term “owner” shall include the person (as that term is defined below) who is part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of any such building or land.

“Person” shall mean any individual, firm, partnership, corporation, association or any other group acting as a unit having an interest, whether legal or equitable, sole or partial, in any premises which is, or may in the future be, served by the facilities of the Town and which is, or may in the future be, responsible for design and construction of facilities to be under the jurisdiction of the Town Manager and to become a part of the public utilities system of the Town.

“Pollution” shall mean the presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

“Pollution Hazard” shall mean a condition through which an aesthetically objectionable or degrading material may enter the Town’s water system or a customer’s water system.

“Premises” shall mean any building, group of buildings, or land upon which buildings are to be constructed which is or may be served by the facilities of the Town.

“Process fluids” shall mean any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollution, or system hazard if introduced into the water system. This includes, but is not limited to:

Polluted or contaminated waters,

Chemicals in solution or suspension, and

Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

“Public Sewer” shall mean a sewer owned and controlled by the Town.

“Pure Water or Potable Water” shall mean water fit for human consumption and use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirement of the persons served.

“Sanitary Sewage” shall mean that water-carried waste which derives principally from dwellings, business buildings, institutions, industrial establishments and the like, exclusive of any storm or surface waters.

“Service Area” shall mean the territory included within the boundaries prescribed for the Town of Lovettsville, served with water and sewerage service.

“Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.

“Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

“Sewer” shall mean a pipe or conduit for carrying sewage.

“Shall” is mandatory; “may” is permissive.

“Single Family Dwelling” shall mean a residential unit serving one household. Residential units may be attached such as Town Homes, Condos and multiplexes where each unit is individually owned or may be separate detached house.

“Subdivide” shall mean the division of a lot, parcel or tract of land into two or more separate lots or parcels.

“Town” shall mean the Town of Lovettsville, Virginia.

“Town Manager” shall mean the Town’s Manager or duly appointed agent.

“Typical Meter Change-out Schedule” shall mean the frequency of time between a meter replacement to ensure that the accuracy of the meter is maintained under appropriate operations as determined by the manufacturer specifications and individual conditions the meter is subject to.

“Undersized Meter Change-out Schedule” shall mean the frequency of time between meter replacements for Non-Conforming Connections and shall be as often as every year to ensure that the accuracy of the meter is maintained. A Meter Fee shall be paid by the owner for each change-out.

“Used Water” shall mean any water supplied by the Town from its water system to a customer’s water system after it has passed through the service connection.

“Water System” shall mean all structures and appliances used in connection with the collection, storage, purification and treatment of water for drinking or domestic use and the distribution thereof to the public as set forth in Title 62.1, Chapter 4, Section 62.1-45a, Code of Virginia 1950, as amended.

## 2.00 POLICY

### 2.01 IN GENERAL

- 2.01a The owners of all houses, buildings or properties used for human occupancy, employment, recreation, commercial or other purposes, constructed subsequent to October 25, 1972, and situated within the service area at a distance not greater than 400 feet from any street, alley or easements in which there is located a Town-owned sanitary sewer or water main, shall be required to: install suitable toilet and other disposable liquid waste facilities therein; connect sources of water use to the public water main; and connect the toilet and liquid waste facilities to the public sewer main. After having been connected to the public water distribution system or sanitary sewer collection system, it shall be unlawful to disconnect the premises from such service or services except for (i) temporary interruptions of service in order to effect repairs or (ii) disconnection by the Town or its authorized agents for (a) non-payment of the utility account, (b) service upgrade or replacement, or (c) other authorized utility purposes of the Town. Structures completed before October 25, 1972 must comply with the requirements of 2.01a at such time as septic systems are condemned by the Loudoun County Health Department or Virginia State Health authorities. The frequent necessity for pumping out a septic tank indicates a malfunctioning sewage disposal system; in such cases, the owner will be required to hook up to the public sewer system within 90 days of receipt by the owner of notice from the Town to do so. In such case, the property owner shall provide the necessary lines, in a private easement, to the sewer main, provided the property is within 200 feet of a Town sanitary sewer main. Upon written request by property owner, exceptions to this requirement will be considered by Town Council.
- 2.01b Structures completed before October 25, 1972 shall comply with the requirements of 2.01a at such time as existing wells are condemned by the Loudoun County Health Department or Virginia State Health authorities. In such case, the property owner shall

provide the necessary lines, in a private easement, to connect to the water main, provided the property is within 200 feet of a Town water main. Upon written request by property owner, exceptions to this requirement will be considered by Town Council.

- 2.01c All water or sewer facilities, shall comply with the Town's adopted standards. The Town Standards shall follow the provisions, specifications, and requirements of Loudoun Water, as amended and in effect at the time of application.
- 2.01d At the time of connection or upgrade of service as required by the Zoning Ordinance or the Water and Sewer Ordinance, the applicant shall submit an application for service and shall pay all required availability and connection charges in accordance with the adopted Schedule of Fees. In connection with such application, the applicant shall complete and attach the Meter Sizing Form for commercial and non-residential uses.
- 2.01e Whenever property changes ownership, the new owners will be required to connect to the Town water and sewer systems within 90 days of the date of recordation of the deed of conveyance, if the property is not already so connected and is within 200 feet of Town system.
- 2.01f Requests for water or sewer service from any property outside the incorporated limits may be granted at the discretion of the Town Council, if all appropriate approvals from governmental authorities are provided.
- 2.01g It shall be unlawful for any owner or tenant whose property is connected to the Town's sewage works to disconnect the property from the Town's sewage works and connect the property to a private sewage works or other alternative sewage treatment facility.

## 2.02 SUBDIVISIONS AND CONSTRUCTION GENERALLY

- 2.02a Any Developer, Subdivider or Owner shall submit applications to the Town for review and approval of plans and specifications for construction of water or sewer facilities, shall Construct all water or sewer facilities in accordance with the Town's adopted (set) standards. In the event no specific provision or specification has been established by the Town with regard to any item in connection with the construction of sewer or water facilities by a Developer or Owner, the provisions, specifications, and requirements of Loudoun Water, as amended and in effect at the time of application, shall apply.
- 2.02b The Developer or Subdivider of any new (after October 25, 1972) subdivision or tract of commercial, industrial or multifamily residential land shall construct all sanitary sewers and domestic fresh water distribution lines within the subdivision or development and connect the same to the Town's mains at his own expense, as well as furnish meter crock, setter and other appurtenances to house a meter of a type approved by the Town. A person who acquires a lot or lots from a Subdivider on which to locate a building shall be responsible for the expense of connecting to the Town's water and sewer mains. Connections to the Town's water and sewer mains can be made only by a licensed plumber or contractor.. Immediately upon completion and acceptance of the construction work, the sanitary sewer and water facilities with necessary easements shall become the property of the Town. "As-built" plans for such water and sewer lines shall be provided to the Town prior to acceptance into the Town's water and sewer system.

- 2.02c Where a public water main is not available to a new subdivision or development, the Developer or Subdivider shall construct necessary water mains and provide sufficient easements. Immediately upon acceptance of such construction work, the water works system shall become the property of the Town. Town standards must be met and “as-built” plans for such water systems shall be provided to the Town prior to acceptance.
- 2.02d Where public sanitary sewer is not available to a new subdivision or development, the Developer or Subdivider shall construct all necessary sewer collection system elements and provide easements in accordance with Town standards. Immediately upon acceptance of such construction work, the sewer system shall become the property of the Town. Town standards must be met and “as-built” plans for such sewer systems shall be provided to the Town prior to acceptance. All work shall be warranted in accordance with Town standards.
- 2.02e Where the construction of an offsite main or lateral sewer or water line is deemed to be either necessary, feasible or advisable to connect the applicable systems of the subdivision or development to the suitable facilities of the Town, the financial responsibility, location and details of such construction shall be determined in conference by the Developer, the Town Manager and the Town’s Engineers. Any and all agreements so established shall be in writing and acknowledged by both the Developer and the Town Manager, with the approval of the Town Council. Each such proposed item of offsite construction shall be a separate matter for discussion and agreement.
- 2.02f The Town Manager shall, in conjunction with the Engineers, review and approve, or revise if necessary to conform with standards acceptable to the Town Council, as hereinafter specified, plans for all projects to develop, extend or construct water mains and sanitary sewer lines, and all pertinent connections, structures and accessories proposed thereto within the Town (or those lying outside the Town which will connect to the facilities of the Town) prior to any construction of such projects.
- 2.02g Materials, workmanship and procedures used in construction, inspection and testing of water and sewer facilities shall be in accordance with the standards and specifications established or approved by the Town Council.
- 2.02h During progress of the work, the Town Manager, Engineer or other duly authorized agent of the Town shall have access to the construction site or sites for the purpose of establishing to their satisfaction that the projects are being constructed to Town requirements and in accordance with approved plans and specifications.
- 2.02i After completion of the facilities, and upon written request of the Developer, Subdivider or Owner responsible for the construction, the Town Manager and the Engineers shall make a final comprehensive inspection of the completed projects and shall be satisfied as to conformance to plans and specifications before recommending that the Council accept the facilities as part of the public utilities systems of the Town. “As-built” plans of the completed projects shall be provided to the Town prior to such inspection.

### 3.00 ADMINISTRATION, CREATION AND MAINTENANCE OF USER ACCOUNTS

### 3.01 GENERALLY

Application for water or sewer service shall be made by the owner or occupant of the premises served on forms supplied by the Town. New application shall be made within ten days of a change in ownership or occupant whenever a party responsible for payment changes. If the party to whom the bill is rendered is not the owner of the premises, the owner shall sign the application for service as well as the applicant.

- 3.01a Water and/or sewer bills will be rendered quarterly, and are due and payable on the date listed on the bill (the last day of the month the bill is issued). If the water and/or sewer bill is not paid on or before the date due, a penalty of the greater of \$10 or 10% shall be assessed and the customer shall be sent a notice that service will be discontinued after 20 additional days, unless the customer either pays the bill or has entered an approved payment plan.
- 3.01b The customer will be responsible for a Cutoff Charge for all costs of terminating the service and restoring the service, including those customers who have sewer service only. The minimum charge therefore shall be in accordance with the adopted Town of Lovettsville Schedule of Fees.
- 3.01c In all cases where there are delinquent charges due the Town for service, the owner of record of the property shall be held responsible for payment of these outstanding accounts.
- 3.01d Customers establishing new accounts for service, or customers requesting termination of service, shall be billed the greater of the minimum fee prorated by the number of days of service or actual usage during the service period.
- 3.01e Water and/or sewer service charges based on actual water usage will start on the day that the water meter is installed.
- 3.01f Charges for availabilities not connected to the system.
  - (1) Any person who has purchased an availability for a water or sewer connection that is not connected to the system, shall pay the minimum quarterly service charge for each availability. In the event payment of the minimum quarterly fee becomes in arrears more than two (2) billing cycles, all claim or right to connect to the water or sewer system shall be forfeited and the purchase price for that availability minus a Refund Processing Charge as set in accordance with the Town of Lovettsville Schedule of Fees and any outstanding minimum quarterly service charges, late fees, etc. due to the Town per availability shall be refunded.
- 3.02 Persons holding such availabilities shall have the option to sell back the availability to the Town at the purchase price for that availability minus a Refund Processing Charge per availability. Request must be made in writing. No previously paid quarterly service charges shall be refunded.

### 3.03 DEPOSITS



- 3.03a A deposit shall be required of all new water and/or sewer accounts upon application for service in accordance with the adopted Town of Lovettsville Schedule of Fees and prior to commencement of water and/or sewer service.

The deposit will be refunded, without interest, when service has been discontinued, after deducting any charges due on final settlement of the customers account.

3.04 –

3.10 [RESERVED]

3.11 WATER DIVISION

3.12 WATER USER RATES

3.12a The Water User Rates shall be in accordance with the Town of Lovettsville Schedule of Fees.

3.12b In addition to the above charges, each water customer shall be assessed to the Waterworks Technical Assistance Fund Fee in accordance with the adopted Town of Lovettsville Schedule of Fees which the Town will pay the Virginia Department of Health.

3.13 WATER AVAILABILITY FEES AND WATER CONNECTION FEES

3.13a A Water Availability Fee for tie-in to the water distribution system shall be paid prior to issuance of the Zoning Permit. Meter size to determine the Availability Fee shall be determined following Section 6.0 Meter Sizing Policy and shall be in accordance with the adopted Town of Lovettsville Schedule of Fees.

3.13b Any Water Availability purchased shall be assigned to a specific parcel and shall not be transferred.

- (1) New development projects over 30 residential units or equivalent must provide one future well site pursuant to Town requirements, and may be required to provide additional water sources, developed wells, treatment facility, water storage tank, etc. to the Town, yielding not less than one gallon per minute per residential unit or equivalent, designed and constructed for incorporation into the Town water distribution system, provided that no well shall yield less than 50 gallons per minute. The owners of new development projects that cannot meet this requirement may in lieu thereof negotiate an agreement for connection to the existing distribution system in exchange for a suitable contribution to the capital needs of the system, at a rate not less than the current Availability Fee in accordance with the adopted Town of Lovettsville Schedule of Fees, rather than awaiting improvements to the system such to permit new connections generally.

3.13c In addition to the Water Availability Fee, there shall be a Water Connection Fee, for administrative review, inspection, and meter installation, payable prior to the issuance of a Zoning Permit in accordance with the adopted Town of Lovettsville Schedule of Fees.

### 3.14 WATER THEFT

(a) Theft of water or tampering with the Town's water system is subject to prosecution and punishable as provided by law, pursuant to Va. Code Sections 18.2-162 through 18.2-163, as the same may be amended from time to time. For purposes of this section, the Town's water system is defined as all water storage facilities, hydrants, lines, meters and associated facilities owned by the Town of Lovettsville and specifically excludes private water service laterals wherever located and plumbing fixtures affixed to privately owned property.

(b) Whenever any person observes any type of water theft or tampering with the Town's water system, the Town Manager shall complete or cause to be completed a formal report and any jumper, bulk meter or any other device used to illegally remove water from the Town's system will be confiscated.

(c) A copy of the Report along with any confiscated items will be logged into the Town Manager's office so that the Town can begin the formal assessment period to determine what type of damages may have occurred as a result of the theft along with the appropriate fines and water use bill that will be generated.

(d) Water Theft Fines for tampering with a meter or theft of water will be assessed immediately. Fines for tampering with meters or theft of water shall be in accordance with the adopted Town of Lovettsville Schedule of Fees.

(e) In addition to the fines for tampering with the system, the offending party will be billed for all water that was potentially withdrawn from our system by the offending party in accordance with the Water User Rate in accordance with the adopted Town of Lovettsville Schedule of Fees. In cases where bulk meters exist, the Town will call the issuing locality and determine how much water has been used since the last billing and that figure shall be used for the purposes of calculating the charge. In cases where a bulk water meter or other measuring device was not used, the Town Manager will estimate the amount of water that was potentially removed from the system by the offending party based on the follow up investigation and that amount will be billed at the Water User Rate in accordance with the adopted Town of Lovettsville Schedule of Fees.

(f) None of the confiscated equipment or the bill for the theft will be released sooner than a 24-hour period so that the Town staff can determine whether there was any damage done to the fire hydrant, meter crock and assembly and any other location where the water may have been removed. In addition, since many water thefts result in dirty water complaints, the staff may have to come out and flush our lines to clear up the system. Any additional staff, equipment or water loss as a result of these flushings will also be billed to the offending party.

(g) No confiscated equipment will be returned until the fine and any charges are paid in full.

(h) Should any person fail to pay the fine and charges within 15 calendar days of assessment, the penalty will increase to double the original fine. If the violation remains unsettled by full payment of the enhanced fine and charges after 30 calendar days of assessment, a summons will be issued for the accused offender to appear in Loudoun County General District Court. Nothing herein shall restrict the punishment imposed by the judge upon conviction.

(i) In an effort to curb the amount of water theft and damage to the system, the Town has formally authorized a crime solver/reward program and witnesses are encouraged to report any potential thefts that they observe within the Town. In the event that their reporting results in the apprehension of a company or individual stealing water and ultimately the successful collection of the appropriate fines, the reporting individual will be eligible for a Reward in accordance with the adopted Town of Lovettsville Schedule of Fees. Not more than one reward shall be made in connection with any incident. In addition, this reward program does not apply to employees from the Town of Lovettsville, who are currently on the clock when these thefts occur or the Town Manager at any time due to the fact that they are responsible for administering this program.

3.15 [RESERVED]

3.16 SEWER DIVISION

3.17 SEWER USER RATES

3.17a The Sewer User Rate shall be in accordance with the adopted Town of Lovettsville Schedule of Fees.

3.18 SEWER AVAILABILITY FEES AND SEWER CONNECTION FEES

3.18a A Sewer Availability Fee for tie-in to the sewer collection system shall be due prior to issuance of a Zoning Permit in accordance with the adopted Town of Lovettsville Schedule of Fees. Meter size to determine the Availability Fee shall be determined following Section 6.0 Meter Sizing Policy and shall be in accordance with the adopted Town of Lovettsville Schedule of Fees.

3.18b Any Sewer Availability purchased shall be assigned to a specific parcel and shall not be transferred.

3.18c In addition to the Sewer Availability Fee, there shall be a Sewer Connection Fee, for administrative review and inspection, payable prior to issuance of the Zoning Permit, in accordance with the adopted Town of Lovettsville Schedule of Fees.

4.00 METER SIZING POLICY

4.01 SINGLE FAMILY RESIDENCE CONNECTION POLICIES

4.01a A Single Family Residence connection, which will include detached homes as well as Town Homes, condos and other individually owned connected residences, will each

require an independent 5/8" meter. For new development apartments, each apartment unit shall require a Single Family Residence connection. Availability Fee and Meter Fee shall be established in accordance with the Town of Lovettsville Schedule of Fees.

- 4.01b A Single Family Residence Connection will allow extension from the home to an additional building (for fixtures for a workshop/art studio or hose bib on the outside of the additional building) if the additional building is on the same property as the Single Family Residence connection and if all other regulations and zoning requirements have been satisfactorily met. This additional building shall not be used as a residence, guest house or apartment. A Meter Upgrade may be required in accordance with the provisions of TRIGGERS FOR SINGLE FAMILY RESIDENCE CONNECTION METER UPGRADE OR INSTALLATION OF ADDITIONAL METER below.
- 4.01c Non-Conforming Connection: A Single Family Residence Connection that already has an apartment as part of the main structure or a second building used as a residence, guest house or apartment and was receiving water service prior to the approval date of the Meter Sizing Policy will be a Non-Conforming Connection and will be permitted to retain the water connection to the second building if all other regulations and Zoning requirements have been satisfactorily met following the Non-Conforming Connections subsection. The Non-Conforming Connections will be placed on the Undersized Meter Change-out Schedule to ensure accuracy of usage measurements. A Meter Upgrade may be required in accordance with the provisions of TRIGGERS FOR NON-CONFORMING CONNECTION METER UPGRADE PROCESS. If the owner or renters of any Existing Non-Residential or Group Housing Connection identify that the water supply quantity or pressure is inadequate and requests remediation, the owner or renter shall complete a Meter Sizing Form for the existing fixture count of the connection. If it is identified by the Meter Sizing Form that the meter is undersized and thus is causing unsatisfactory service, a Meter Upgrade is recommended. If remediation is desired, the owner or renter will be responsible for the cost of the Meter Upgrade and all associated tasks. The Town will not be held responsible for poor pressure or flow if a Meter Upgrade is not pursued.
- 4.01d A Single Family Residence connection will permit use of an in-ground sprinkler system, pool (above-ground or in-ground), and hot tubs or spas without a Meter Upgrade.
- 4.01e Triggers for Single Family Residence Connection Meter Upgrade or installation of additional meter:
- (1) If Zoning permits and a second residency is developed on a property, a separate Single Family Residential connection will be required.
  - (2) If Zoning permits and a Single Family Residence, Non-residential building or any portion of a Single Family Residence or Non-residential building is converted into one additional apartment which is served by the same meter as the other portion

of the building and the Meter Sizing Form indicates that up to a ¾" meter is sufficient, then a Meter Upgrade will be required to a ¾" meter and it will be treated as a Master Meter. If the Meter Sizing Form indicates that a 1" or greater meter is necessary, a separate 5/8" connection shall be required for each additional apartment unit.

#### 4.02 NON-RESIDENTIAL, GROUP HOUSING AND MULTI-FAMILY CONNECTION POLICIES

4.02a Non-Residential or Group Housing: Each Non-Residential or Group Housing connection to the Town system must determine meter size following the provisions of METER SIZE DETERMINATION PROCESS. A Non-Residential connection may include a single meter for each individual business location or a Master Meter serving multiple business units that are within a single building, on one parcel of land and are owned by one entity. The Town will bill for usage through the Master Meter to the owner of the property or a designated responsible billing party for the owner. Sub-metering by the owner is permitted, however, all elements of sub-meter installation, maintenance, reading, billing, etc will be the responsibility of the owner or designated responsible party. A building with multiple units connected to one Master Meter cannot be subdivided, individual units sold or units made into condos until a meter is installed for each separate unit. A meter upgrade may be required in accordance with the provisions of TRIGGERS FOR NON-RESIDENTIAL AND GROUP HOUSING CONNECTION METER UPGRADE below. It should be noted that use of a Master Meter may result in higher water bills if the Town chooses to implement a tiered rate structure where the higher tiers of water use are billed at a higher water rate.

#### 4.02b Meter Size Determination Process:

- (1) Complete Table 1 of the Meter Sizing Form based on all fixtures proposed for the building to be connected to the meter. If a particular type of fixture is not on the table, please refer to American Water Works Association (AWWA) and the Building Officials and Code Administrators International, Inc (BOCA) standards for Water Supply Fixture Unit (WSFU) standards.
- (2) Using the total WSFU's calculated from Table 1, refer to Table 2 to determine the gallons per minute (GPM) demand for the calculated WSFUs.
- (3) The meter size and availability for water and wastewater is determined from Table 3 based on the GPM demand as well as the expected average daily water usage. The actual average daily water usage will be calculated based on 4 billing cycles during a calendar year.
- (4) The completed Meter Sizing Form will be reviewed and approved by the Town Staff. The meter size as determined by the Meter Sizing Form will be used to

identify the Water and Sewer Availability and Meter Fees in accordance with the Town of Lovettsville Schedule of Fees.

- (5) The Water and Sewer Availability and Meter Fees must be paid before a zoning permit will be issued for construction of the facility requesting connection.

4.02c Triggers for Non-Residential and Group Housing Connection Meter Upgrade:

- (1) Exceedance of Maximum Allowable Usage: If a Non-residential or Group Housing Connection (installed after approval of the Meter Sizing Policy) exceeds the Maximum Allowable Usage as an annual daily average during the calendar year (or closest 4 cycles to the calendar year), the user will be notified in writing in January that this occurred and that continued exceedance for the next calendar year (or the closest 4 cycles to the calendar year) will initiate the Meter Upgrade Process.
- (2) If a Non-residential or Group Housing Connection changes ownership, occupancy and/or uses, a new Meter Sizing Form must be completed to identify if any changes have been made to the fixtures or whether the new use changes the water usage expected. If the Meter Sizing Form identifies the need for a larger meter size, a Meter Upgrade will be required before occupancy will be permitted.
- (3) Any changes to the number or type of fixtures for a Non-Residential or Group Housing Connection shall require completion of a new Meter Sizing Form prior to approval of the modifications and issuance of the zoning permit. If the Meter Sizing Form identifies the need for a larger meter size, the Meter Upgrade Process shall be initiated. Issuance of a zoning permit to make the proposed changes will not occur until the Meter Upgrade Process has been completed.

4.02d Multi-Family: For new development Multi-Family units each residential apartment or unit shall be serviced individually as a Single Family Residential Connection. Multi-family buildings converted from existing buildings already connected to the Town system may be serviced with an upgraded ¾" meter if the Meter Sizing Form is completed and shows a ¾" meter is sufficient. If the Meter Sizing Form requires larger than a ¾" meter, each unit will be considered a Single Family Connection and will require an independent 5/8" connection. Existing Multi-family buildings already serviced by a Master Meter prior to approval of the Water Meter Sizing Policy shall be considered a Non-Conforming Connection and may remain on a Master Meter following the NON-CONFORMING CONNECTIONS subsection.

4.03 Non-Conforming Connections: Any connections made prior to the issuance of the Meter Sizing Policy will be expected to complete the Meter Sizing Form and will be considered Non-Conforming if they do not meet the meter sizing or other requirements of the Meter Sizing Policy. The Non-Conforming Connections will be placed on the Undersized Meter Change-out Schedule to ensure accuracy of usage measurements.

Existing Non-Conforming connections where the meter is found to be undersized shall not be required to upgrade unless one of the TRIGGERS FOR NON-CONFORMING CONNECTION METER UPGRADE PROCESS occurs. If the owner or renters of any Non-conforming Connection identifies that the water supply quantity or pressure is inadequate and requests remediation, the owner or renter shall complete a Meter Sizing Form for the existing fixture count of the connection. If it is identified by the Meter Sizing Form that the meter is undersized a Meter Upgrade is recommended. If remediation is desired, the owner or renter will be responsible for the cost of the Meter Upgrade and all associated tasks. The Town will not be held responsible for poor pressure or flow if a Meter Upgrade is not pursued.

4.03a Triggers for Non-Conforming Connection Meter Upgrade Process:

- (1) If a Non-conforming Connection changes ownership, occupancy and/or uses, a new Meter Sizing Form must be completed to determine if any changes have been made to the fixtures or whether the new use changes the water usage expected. If the Meter Sizing Form identifies the need for a larger meter size, a Meter Upgrade will be required before occupancy will be permitted.
- (2) Any changes to the number or type of fixtures for a Non-conforming Connection shall require completion of a new Meter Sizing Form prior to approval of the modifications and issuance of the zoning permit. If the Meter Sizing Form identifies the need for a larger meter size, a Meter Upgrade Process shall be initiated. Issuance of a zoning permit to make the proposed changes will not be permitted until the Meter Upgrade Process has been completed.

4.04 UNDERSIZED METER CHANGE OUT SCHEDULE

- 4.04a A Non-Conforming Connection meter may be replaced as often as every two years at the discretion of the Town in order to maintain meter accuracy. A Meter Fee based on the meter size in accordance with the Town of Lovettsville Schedule of Fees shall be charged each time the meter is replaced. Payment shall be the responsibility of the party responsible for payment of the water and sewer bill. Failure to pay the Meter Fee will follow the same guidelines as failure to pay any other water or sewer bill and may result in discontinuance of service.

4.05 METER UPGRADE PROCESS

- 4.05a Once any of the triggers for a Meter Upgrade described above has occurred, the Town will notify the owner in writing giving the owner 30 days to complete a new Meter Sizing Form to identify the Meter Upgrade needed.
- 4.05b Upon satisfactory review and approval by the Town, the owner will have 90 days to pay the necessary availability upgrade and Meter Fee for the upgraded meter size and make the physical changes necessary to house the upgraded meter size.

4.05c Once the physical changes have been made and all fees paid, the Town will install the larger meter upon the request of the owner.

4.05d Failure to pay the availability upgrade, meter fee and/or make the changes necessary to complete the Meter Upgrade Process within 90 days will result in any of the following occurring at the discretion of Town Council:

(1) Fines in accordance with the Town of Lovettsville Schedule of Fees.

(2) Apply a lien on the property.

(3) Discontinuance of water service.

## 5.00 GENERAL OPERATION REGULATIONS

### 5.01 RIGHT OF ENTRY OF TOWN MANAGER AND AGENTS

The Town Manager and Council, or a duly authorized agent, shall have the authority to enter at reasonable times any lot or house wherein Town water or sewer service is used to determine if there is any waste of water, malfunctioning systems and to inspect the plumbing.

### 5.02 RULES AND REGULATIONS

The Council may from time to time promulgate such rules and regulations as are reasonable and necessary for the proper operation of the Town's water and sewer systems.

### 5.03 AUTHORITY TO REGULATE USE OF WATER DURING EMERGENCY

5.03a The Town Manager shall have the authority to determine that a water supply emergency exists because water shortages have reached critical and dangerous levels. In that case, the town manager may place an absolute curtailment or restrictions as set forth below on nonessential usage of water.

5.03b After the Town Manager has determined that a water supply emergency exists, and after notice has been given to the general public, the Town Manager is authorized to implement this section for the duration of the water shortage or for a lesser period, in or according to the stages set forth below.

5.03c The provisions of this section shall not apply to any governmental activity, institution, business or industry which shall be declared in writing by the Town Manager to be specifically excepted as necessary for the public health, safety or welfare.

5.03d The provisions of this subsection set forth the stages and accompanying standards that guide the Town Manager's absolute curtailment of or restrictions on water usage as set forth above,

(1) Stage I. When climatic conditions may create a Water Supply Emergency, the Town Manager is authorized to declare a Drought Watch and call on the general



population to employ prudent restraint in water usage, and to conserve water voluntarily by whatever methods are available.

- (2) Stage II. When the onset of a Water Supply Emergency is imminent, the town manager is authorized to declare a Drought Warning ordering voluntary or mandatory restricted use or absolute curtailment of non-essential uses of water with the goal of reducing water use by 5-10%. This means of curtailment may include one or more of the following, among others:
  - (a) Watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except from a watering can or other container not exceeding three gallon capacity; or
  - (b) The washing of automobiles, trucks, trailers, or any other type of mobile equipment, excepting in facilities operating with a water recycling system approved by the County or the town, or except from a bucket or other container not exceeding three gallon capacity; provided, however, that any facility operating with a water re-cycling system must prominently display in public view a lawful sign stating that such a re-cycling system is in operation; or
  - (c) The washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or multi-unit residential buildings, or other outdoor surfaces, except from a bucket or other container not exceeding three gallon capacity; or
  - (d) The operation of any ornamental fountain or other structure making a similar use of water; or
  - (e) The filling/topping off of swimming and/or wading pools or the refilling of swimming or wading pools, which were drained after the effective date of the order; or
  - (f) The operation of any industrial, commercial or construction activity or process, including construction activity, which uses water beyond the sanitary and drinking needs of employees, customers, or visitors; or
  - (g) The use of water from fire hydrants for any purpose other than fire suppression; or
  - (h) The operation of any water-cooled air conditioning which does not have water conserving equipment in operation.
- (3) Stage III. When a Water Supply Emergency exists, the Town Manager is authorized to declare a water supply emergency restricting use of water to purposes which are absolutely essential to life, human health and safety, with a goal of reducing water use by 10-15%. All the limitation described in Stage II may be applied as restriction at this stage of Water Supply Emergency.

- 5.03e Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be punished by a fine not in excess of \$500.00 or may result in disconnection of service during the emergency. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- 5.03f At any time after the determination that a Water Supply Emergency exists, if the Town Manager determines that such a condition no longer exists, he or she may declare in writing the rescission of the Water Supply Emergency and the termination of all associated voluntary and mandatory absolute curtailments or restrictions.
- 5.03g If the declaration of Water Supply Emergency is made by the Town Manager, it shall be ratified by the Town Council at its next regular meeting or within thirty (30) days, whichever occurs first.

#### 5.04 DAMAGING, VANDALIZING FIRE HYDRANTS, ETC.

It shall be unlawful for any person to deface or injure any stopcock valve, or fire hydrant, sewer manhole, pipes or anything connected with the Town waterworks or sewerage works, or throw any building material, rubbish or other matter on the stop box of a service pipe, valve box, fire hydrant, meter, sewer line, manhole, or cover up with dirt or other material, or to remove or injure any cap or screw of a stop box, valve, fire hydrant, meter, manhole or open any of them, or in any way molest them without authority from the Town Manager and Council. Unmetered water may not be used for any purpose with the exception of use by firefighters for fighting fires and training purposes and authorized activities by Town employees or representatives.

#### 5.05 WATER FOR AIR-CONDITIONING

It shall be unlawful for anyone to install in one building an air conditioner, any refrigerating device, or any device of any kind which uses Town water for cooling purposes or to replace any such existing air conditioner, refrigerating device or such other device or equipment unless such device or equipment is used in conjunction with a recirculating mechanism which is designed to reuse not less than 90% of the water used for cooling, except that in any one building one air conditioner, one refrigerating mechanism or any other such device using Town water and having a capacity of three tons or less may be installed without such recirculating mechanism.

#### 5.06 CARE OF WATER METERS

- 5.06a No water meter shall be moved or relocated except by employees of the Town or their designee.
- 5.06b The Town shall not be held responsible for water damage caused by burst water meters or connections.
- 5.06c In case of meter damage causing leakage, the customer may shut off the water at the valve at the meter. A cut-off valve is required where the waterline enters the building.

5.06d Water meters installed on the premises shall not be covered or so obstructed as to prevent ready access for maintenance, repairs or for reading.

#### 5.07 RESPONSIBILITY TO MAINTAIN WATER OR SEWER LATERALS

5.07a The water lateral from the main line to the water meter (including the water meter) shall remain the property of the Town and be under its sole control and jurisdiction and will be maintained by the Town. Damage to the water meter, meter crock, etc. caused by the negligence of the customer or other guests shall be repaired by the Town at the expense of the water customer. The water customer shall be responsible for all lateral repairs from the discharge side of the water meter to the facility served.

5.07b The sewer lateral from the main line to the facility served shall remain the property of the sewer customer and shall be maintained by the sewer customer. The Town shall not be responsible for any damage caused by sewer back up on the sewer lateral.

#### 5.08 USE OF SANITARY SEWERS

5.08a Any discharge from any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any public sanitary sewer shall be made only in accordance with the provisions of the Sewage Pretreatment Ordinance (2000).

5.08b No cellar floor drain shall be allowed to be connected to the public sewerage system.

#### 5.09 DELINQUENT CHARGES AS LIENS

5.09a There shall be a lien upon the real estate for the amount of any rates, fees, deposits, and other charges for water and/or sewer services rendered by the Town to such real estate, from and after the time the bill therefore becomes delinquent.

5.09b A delinquent bill, under this section, is defined as any bill that has not been paid within fifty (50) days of the date due pursuant to Subsection 1a of Section 5.

5.09c The Town Treasurer shall certify to the Clerk of the Circuit Court for Loudoun County the amount of delinquent water charges, together with the Clerk's fee to be paid for each entry on the judgment records by the Clerk.

#### 6.00 CROSS-CONNECTION AND BACKFLOW PREVENTION CONTROL

6.01 Authority: In accordance with the Waterworks Regulations of the Virginia Department of Health, the Town of Lovettsville hereby provides for the protection of the Town's drinking water supply from possible contamination caused by back-pressure or back-siphonage conditions, through the implementation of a cross-connection control and back-flow prevention program.

6.02 Enforcement: The provisions of this Section shall be administered and enforced by the Town Manager following the latest version of the Loudoun Water Cross Connection/Backflow Prevention Program

## 6.03 PENALTY FOR NON-COMPLIANCE

Water service to a customer shall be discontinued if the required backflow device is not installed or inspected/tested within a reasonable period of time, not to exceed 30 days, from the date any notice and order requiring compliance with this article is sent certified mail to the owner's or customer's last known post-office address.

## 7.00 CONSTRUCTION APPLICATION PROCESSES AND FACILITIES STANDARDS

### 7.01 IN GENERAL

The Town shall accept, review and render decision on applications to construct water and sanitary sewer facilities extending service to the premises described in the application following the application process as described in the Subdivision Ordinance. The Town reserves the right to approve, revise, request additional data, design or information on, or to disapprove any such application or plans pertinent thereto, which in the opinion of the Town is in the best interest of the Town.

#### 7.01a

- (1) The application, shall be accompanied by four (4) sets of detailed plans showing accurate plan and profile design drawings of the lines and location, design and identification of all appurtenances and accessories pertinent thereto. It is preferable that such plans show on the same sheet the plan and profile design of contiguous sections of street, easements, and proposed utilities as is indicated by the application.
- (2) The design and detailed plans described above, and all subsequent revisions thereof, shall be prepared and signed by a Civil Engineer licensed in the Commonwealth of Virginia.

#### 7.01b

- (1) Where construction of water and sanitary sewer facilities is proposed by a Developer or Owner of any new residential subdivision or commercial area or any combinations thereof, and which facilities shall ultimately be accepted into the jurisdiction of the Town Manager as a part of the public utilities systems of the Town, application for review of the design and plans for all such proposed construction shall be made in writing to the Town Manager.
- (2) Such application stipulated above, shall be accompanied by: (a) four prints of the record plat of the subdivision or applicable section thereof which shall bear the approval of the Council; and (b) four sets of detailed plans showing accurate plan and profile design drawings, the proposed lines and the location, design and indication of all their appurtenances and accessories. It is preferable that such plans show on the same sheet, the plan and profile design of the contiguous sections of the new street or easement and proposed water and/or sewer facilities. The design and detailed plans stipulated immediately above and all subsequent

revisions thereof shall be prepared and properly signed by a Civil Engineer registered in the Commonwealth of Virginia.

- (3) If any facilities other than pipelines and their appurtenances are proposed by the applicant or required by the Town Manager for the complete and satisfactory operation of the proposed utilities, such as water storage or pumping equipment, sewage treatment plants, sewage pumping stations, or other like equipment, the application shall be accompanied by four sets of detailed plans AND specifications on design, equipment, materials and construction of such facilities.
- (4) The plans and specifications stipulated immediately above and all subsequent revisions shall be prepared and properly signed by a Civil Engineer registered in the Commonwealth of Virginia.

#### 7.01c

- (1) Application for proposed water and sewer facilities to serve any type of industrial establishment within the franchise territory shall be made in writing to the Town Manager. Complete information regarding plant location, type of industry, raw and finished products, approximate volume of utility requirements, types of industrial wastes to be discharged, proposed facilities for pre-treatment of industrial wastes and other data pertinent to the industry, shall be accompanied by the application.
- (2) The application for water and sanitary sewer services to serve industrial establishments shall conform to the requirements for application as outlined in above, as applicable to the location of the proposed industrial site.
- (3) Any design, plans and specifications, and all subsequent revisions thereof, shall be prepared and properly signed by a Civil Engineer registered in the Commonwealth of Virginia.

7.01d Any person making application for water or sanitary sewer service or connection to the water distribution or sanitary sewerage systems shall, at the time of such application, provide satisfactory evidence that all real estate taxes which have been assessed against the property subject to such application and all other charges, fees and obligations due and owing from such person under this Ordinance or any contract related to the Town's water and sewer systems have been paid and satisfied.

### 7.02 DISPOSITION OF APPLICATIONS

#### 7.02a

- (1) Upon receiving applications as previously prescribed in Subsection 1 of Section 7.0, the Town Manager and Town Engineers will review all data, design, plans and/or specifications and indicate thereon any revisions, additions, changes or deletions, as is considered necessary in order that the proposed construction shall conform to the standards and best interest of the Town. One (1) marked set of the submitted plans and/or specifications shall be returned to the applicant.

- (2) After receiving the returned set of plans and/or specifications, the applicant shall prepare revised plans and/or specifications to conform to such revisions indicated by the Town Manager and Town Engineers and submit four (4) sets of the revised plans and/or specifications to the Town Manager.
- (3) On receipt of the revised plans and/or specifications, the Town Manager and Town Engineers shall check them for conformity with the initially marked revisions. If satisfactory, one of the revised sets of plans and/or specifications shall be returned to the applicant with written approval for construction.
- (4) Construction of any public utility facility under the jurisdiction of the Town, and all its appurtenances and accessories, shall be in strict conformance with the final approved set of plans and/or specifications stipulated in the paragraph immediately above.

7.02b In the event that an applicant desires to deviate from the plans and/or specifications which have been approved by the Town Manager and Town Engineers for construction, or to make any changes or revisions therein, the applicant shall make such request to the Town Manager in writing and state the reasons for his request. Revised plans, specifications and other substantiating data, shall accompany the request in such manner, form and quantity as was required for the original application. The procedure for all parties concerned for processing any such request for deviation from, or changes and revisions in finally approved plans and/or specifications for construction shall be the same as stipulated for the original application for the project.

## 8.00 CONSTRUCTION FACILITIES

8.01a Water meters for new customers shall be installed in a dedicated easement on private property abutting the property line at the location where the lateral crosses from Town owned right of way or Town owned easement or other location giving uninterrupted access from public right-of-way as may be approved in writing by the Town Manager. The meters shall be installed according to Town Standards and with the exception of the meter, the costs of materials and installation of the meter crock, setter, etc. will be the responsibility of the customer.

### 8.01b Tie-Ins to Water Mains or Sewer Mains:

- (1) No unauthorized person shall uncover, make any tie-ins or openings into, use, alter, or disturb any public sewer or appurtenance thereof or any part of the Town's water system without first obtaining a written approval from the Town.
- (2) The Owner, or his agent, shall make application for tie-in on a special form furnished by the Town. A separate service tie-in shall be required for each premises unless otherwise determined by the Town.
- (3) Upon approval of the application and payment of the applicable charges, the applicant will be permitted to open the public sewer and tie-in the building sewer thereto or connect to the Town's water system under the supervision and inspection of the Town, in accordance with this Ordinance.

- (4) The applicant, or his authorized representative, shall secure all necessary permits for pavement cuts and excavations and shall make all excavations, pavement cuts and complete the installation of the service tie-in. The applicant shall provide 48 hours notice to the Town for inspection. None of the building sewer or plumbing or sanitary drainage system shall be covered or enclosed until inspected and approved by the Town. Charges listed in Town of Lovettsville Schedule of Fees assume only one visit to make inspection. The applicant shall provide all backfill, pavement repairs and other work necessary to conform to state, county and local regulations.
- (5) The location, size, kind and quality of all materials entering into the service tie-in shall be submitted to the Town for approval.
- (6) Any person violating the provisions of this section shall be guilty of a misdemeanor.

Connections to the Town's water and sewer mains can only be made by a licensed plumber with a certification of insurance filed with the Town in an amount at least equal to the minimum amount determined by the Town Manager. All work shall be guaranteed by the Owner, to the Town, for one year from date of inspection and approval.

## 8.02 AS-BUILT PLANS

After completion of construction of the public utility facilities from approved plans for projects, the Developer, Subdivider, or Owner responsible for the construction shall have "as-built" plans prepared by a licensed civil engineer, based on accurate, field-obtained information, to show actual conditions of the finished construction. The "as-built" plans shall be revisions in and permanently indicated changes on the original tracings or master sheets from which were made the plans and/or specifications approved by the Town Manager and Town Engineers for construction. "As-built" plans shall also be provided in PDF format unless otherwise approved in writing by the Town Manager.

The "as-built" plans shall show, but may not be limited to, the following:

### 8.02a Water Line Construction

- (1) Scale accuracy location in plan of the line and all installed fittings such as elbows, tees, crosses and reducers, and all cradle encasement, or special construction.
- (2) Exact measurements to show positive location of all house services, valve boxes, blind or blank-flanged fittings and plugged terminals of lines.

The measurements taken for these positive locations shall be taken from at least TWO reasonably adjacent and available, fixed and permanent objects such as fire hydrants, centers of sanitary or storm sewer manhole casting covers, corners or lines extended of buildings, etc.

In lieu of recording the positive locations indicated above on the plans, the Town Manager will accept such locations shown by neat, legible and separate no-scale sketches with all measurements thereon, when all such sketches or diagrams are recorded in a progressive sequence and clearly identified in a hard cover, permanently bound field-type notebook.

8.02b Sewer Line Construction

- (1) Scale accuracy location of manhole invert and top casting elevations and numerical notations of the exact elevations of same as determined by field survey after construction. Elevations shall be in datum of the Town.
- (2) Scale accuracy indication of lengths and grades of lines between manholes and numerical notation of the exact lengths and grades, as determined after construction.
- (3) Scale accuracy location of concrete cradle, encasement or special construction.
- (4) Location of house services by measurement from the manhole immediately downgrade.

8.02c Sanitary Sewage Treatment Plants and Pumping Stations, Water Pumping Stations, all other Comparable Construction and Building Structure

- (1) “As-built” plans and specifications shall accurately indicate all approved deviation from, or changes in, location or type of equipment installed and material used.
- (2) Accurate listings of the name of the manufacturer, with his address, of all operating equipment installed, together with model or style numbers, ratings, capacities and other pertinent information shall be provided as part of the “as-built” plans of the project.
- (3) At least three (3) complete sets of operation and maintenance manuals of all operating equipment, and all Certificates of Inspections, Approvals, Warranties and Guaranties of equipment, materials and installation thereof, required by the project specifications which were approved by the Town Manager shall be provided as a part of the “as-built” plans of the project.
- (4) Whenever a situation requires the installation of a sewage pump for an individual, the owner shall be required to purchase, install and maintain such pump at his expense.

8.03 FINAL INSPECTIONS

8.03a

- (1) At the completion of construction of any project of public utility facilities on any project, the Developer, Subdivider or Owner responsible for the construction shall notify the Town Manager, in writing, that the work has been completed. Together



with the notification of completion, there shall be submitted to the Town Manager all “as-built” plans, specifications and other data and addenda relative thereto which is required in this section.

- (2) On receipt of the notification and “as-built” requirements, the Town Manager and Town Engineers shall make a final comprehensive inspection of the constructed facilities, examining in detail for conformance of the work with approved plans and specifications, alignment of sewer lines, infiltration leakage, workmanship, operation of equipment, and other factors to the satisfaction of the Town Manager and best interest of the Town.
- (3) A responsible representative of the Developer, Subdivider or Owner shall accompany the Town Manager and the Town Engineers on the final inspection.

#### 8.03b

- (1) Deficiencies which are found to exist during the inspection shall be pointed out to the Developer, Subdivider or Owner’s representative. Subsequent to the inspection, the Owner, Subdivider or Developer shall be furnished, in writing, a summary of the deficiencies found and corrections of which are required.
- (2) On notification that all construction deficiencies have been completed, the Town Manager and Town Engineers will inspect all such work.

8.03c The Developer or Owner shall pay all costs involved in planning and inspections.

#### 8.04 ACCEPTANCE OF NEW CONSTRUCTION

8.04a The Town Manager shall accept newly constructed water and sanitary sewer service facilities, described in this Section on satisfaction of the following conditions:

- (1) All requirements of the foregoing Sections have been fulfilled in the opinion of the Town Manager and Town Engineers.
- (2) All matters relative to specific contracts between the Developer, Subdivider or Owner and the Town are in order.
- (3) Payment has been made by the Developer, Subdivider or Owner for all fees relative to applications and inspections.
- (4) Evidence is provided that all materials used in the project have been paid for, as well as all subcontractors, if any.
- (5) A Civil Engineer licensed in the Commonwealth of Virginia certifies that the work has been completed in accordance with the approved plans and specifications.
- (6) The Developer, Subdivider or Owner agrees that the Developer, Subdivider or Owner shall be responsible for and bonded to correct any deficiencies in construction for a period of one year from the date of acceptance of the facilities

by the Town. This condition shall be stipulated in the written form of acceptance by the Town Manager.

- 8.04b Acceptance of the newly constructed facilities, when approved by the Town Manager and Town Engineers, shall be made in writing to the Developer, Subdivider or Owner responsible for the construction.
- 8.05 The issuance of the written form of acceptance of such facilities shall constitute an irrevocable agreement between the Developer, Subdivider or Owner responsible for the construction and the Town that the Town and its officers, agents, servants or employees shall be saved harmless by the Developer, Subdivider or Owner from liability and responsibility of any nature and kind for costs of, or payments on, labor, equipment, or material used in construction of the accepted facilities or on account of any patented or unpatented invention, process, article or appliance manufactured for or used in construction of, or for the intended operation of the accepted facilities.

#### 9.00 DISCRETION OF TOWN MANAGER

Whenever any requirement under this ordinance has been repealed or superseded by law, the Town Manager shall follow or impose such superseding requirement or any other nationally or locally acknowledged standard reasonable under the circumstances.

#### 10.00 PENALTIES

Any person who willfully fails to comply with any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with law unless discussed otherwise in that section. If authorized by law, each day a violation occurs shall constitute a separate offence.